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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200110-0007]

RTID 0648-XX008

Revisions to Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2019; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; adjustment to specifications; correction.

SUMMARY: This final rule corrects minor errors published in our rule approving and implementing Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan and distributes sector allocation carried over from fishing year 2018 into fishing year 2019 as authorized by the sector regulations. This action is necessary to correct errors published in the final rule and to allocate carryover quota to sectors. The carryover adjustments are routine and formulaic, and industry expects them each year.

DATES: Effective *[Insert date of filing for public inspection at the office of the Federal Register]*, through April 30, 2020.

FOR FURTHER INFORMATION CONTACT: Claire Fitz-Gerald, Fishery Management Specialist, (978) 281-9255.

SUPPLEMENTARY INFORMATION: We recently published a final rule approving Framework Adjustment 58 to the Northeast Multispecies Fishery Management Plan (FMP), which set 2019-2020 annual catch limits (ACL) for four groundfish stocks, and 2019 ACLs for three shared U.S./Canada stocks. That action became effective on July 18, 2019 (84 FR 34799; July 19, 2019). This rule corrects minor errors published in the Framework Adjustment 58 final rule and distributes unused sector quota carried over from fishing year 2018.

Corrections to Framework Adjustment 58

Correction to Fishing Year 2020 Georges Bank Yellowtail Flounder Acceptable

Biological Catch in Table 2

Table 2 published fishing year 2019 and 2020 overfishing limits and acceptable biological catch (ABC) for 20 groundfish stocks. The fishing year 2020 ABC published in the table for Georges Bank (GB) yellowtail flounder was incorrect. The ABC published in Framework Adjustment 58 was 168 mt, but the ABC approved by the Scientific and Statistical Committee was 162 mt. This error was the result of a typographical error in the Environmental Assessment that was repeated in the rulemaking. It did not affect the ACL or sub-ACL. The corrected information appears in the table below.

Table 1 -- Corrected Fishing Years 2019-2020 Overfishing Limits and Acceptable Biological Catches for GB Yellowtail Flounder (mt, live weight), Table 2 in Framework Adjustment 58

Stock	2019		Percent change from 2018	2020	
	OFL	U.S. ABC		OFL	U.S. ABC
GB Yellowtail Flounder	UNK	106	-50%	UNK	162

Correction to Fishing Year 2019 Gulf of Maine Cod Annual Catch Limits in Table 3

In fishing year 2017, Gulf of Maine (GOM) cod catch exceeded the total ACL and ABC due to excess catch by the recreational fishery, state waters sub-component, and the other sub-component. Accountability measures described in the regulations require sectors and the common pool to pay back their share of the overage for the unallocated fishery components (state waters and other sub-components) pound-for-pound. The application of this accountability measure resulted in reductions of 28.8 mt to the sector sub-ACL and 0.4 mt to the common pool sub-ACL for fishing year 2019.

Framework Adjustment 58 announced this reduction and published revised 2019 allocations that accounted for the overage. According to regulation, the overage should be applied to the sector and common pool sub-ACLs only; the total ACL and commercial groundfish sub-ACL should not be reduced. The GOM cod total ACL and commercial groundfish sub-ACL published in Framework Adjustment 58 were incorrectly reduced to reflect the overage. The table below displays the incorrect GOM cod ACL and commercial groundfish sub-ACL originally published in Table 3 in Framework Adjustment 58, as well as the corrected values. This correction is administrative only, does not change the amount of quota available to sectors or the common pool, and ensures the published catch limits are consistent with the Framework 58 Environmental Assessment.

Table 2 -- Corrected GOM Cod Catch Limits for 2019 Fishing Year (mt, live weight), Table 3 in Framework Adjustment 58

Stock	Total ACL	Groundfish sub-ACL	Final Sector sub- ACL	Final Common Pool sub- ACL	Recreational sub-ACL	Midwater Trawl Fishery	Scallop Fishery	Small- Mesh Fisheries	State Waters sub- component	Other sub- component
	A to H	A+B+C	A	B	C	D	E	F	G	H
Framework 58 GOM Cod	637	581	350	11	220				47	9
Corrected GOM Cod	666	610	350	11	220				47	9

Correction to Formatting in Table 8

The final rule for Framework Adjustment 58 included Table 8, which provided the incidental catch total allowable catches (TACs) for each special management program for fishing years 2019 and 2020. The published rule included a formatting error that made Table 8 difficult to interpret. This rule republishes Table 8 in the correct format.

Table 3 -- Fishing Years 2019-2020 Incidental TACs for Each Special Management Program (mt, live weight), Table 8 in Framework Adjustment 58

Stock	Regular B DAS Program		Closed Area I Hook Gear Haddock SAP		Eastern U.S./Canada Haddock SAP	
	2019	2020	2019	2020	2019	2020
GB Cod	0.54	0.67	0.17	0.22	0.37	0.46
GOM Cod	0.11	0.11				
GB Yellowtail Flounder	0.02	0.04			0.02	0.04
CC/GOM Yellowtail Flounder	0.21	0.21				
American Plaice	1.57	1.46				
Witch Flounder	1.15	1.15				
SNE/MA Winter Flounder	0.74	0.74				

Correction to Terminal Year of Witch Flounder Rebuilding Plan

Framework Adjustment 58 included new or revised rebuilding plans for several stocks, including witch flounder. The New England Fishery Management Council approved, and Framework Adjustment 58 implemented, a 23-year rebuilding plan for witch flounder. The final rule stated that the plan's official start date would be January 1, 2020, with a target to rebuild by calendar year (CY) 2043. A stock on a 23-year rebuilding plan that begins in CY 2020 would be expected to rebuild by the end of CY 2042, not CY 2043. This rule corrects the terminal year for the witch flounder rebuilding plan to CY 2042.

Sector Carryover Allocations from Fishing Year 2018

Sector regulations at 50 CFR 648.87(c) authorize us to adjust annual catch entitlement (ACE) carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the ABC for the fishing year in which the carryover may be harvested. We have completed 2018 fishing year data reconciliation with sectors and determined final 2018 fishing year sector catch and the amount of allocation that sectors may carry over from the 2018 to the 2019 fishing year. A sector may carry over up to 10 percent of unused ACE for each stock, except in instances where the amount of unused ACE was reduced so as not to exceed the ABC. Accordingly, unused ACE from fishing year 2018 available to carry over to 2019 was reduced for the following stocks: GB cod, GB haddock; GOM haddock; Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish; white hake; and pollock. Complete details on carryover reduction percentages can be found at: https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting. Table 4 includes the maximum amount of allocation that sectors may carry over from the 2018 to the 2019 fishing year.

Table 5 includes the *de minimis* amount of carryover for each sector for the 2019 fishing year. If the overall ACL for any allocated stock is exceeded for the 2019 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 6 and 7 list the final ACE

available to sectors for the 2019 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Table 4 -- Maximum Carryover ACE from Fishing Year 2018 to Fishing Year 2019 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	55,938	3,347	0	417,596	53,697	0	49	2,360	2,448	2,252	45	7,243	1,946	47,091	26,511	426,803
MCCS	0	2,257	7,757	0	77,545	106,034	0	72	1,536	19,109	8,072	401	1,301	1,038	87,198	40,530	498,692
MOON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	0	11,280	17,352	0	681,630	316,323	0	103	11,553	19,583	7,967	1,774	10,456	2,760	204,758	29,019	581,887
NEFS 4	0	3,133	1	0	340,893	126,836	0	124	2,134	14,831	0	381	2,345	581	5	0	282,213
NEFS 5	0	936	1	0	52,005	59	0	1,155	106	795	597	240	8	8,287	204	359	1,959
NEFS 6	0	5,628	2,403	0	186,968	63,639	0	294	1,935	7,167	3,855	833	2,187	1,346	74,754	14,913	152,469
NEFS 7	0	25,758	2,449	0	718,572	122,467	0	467	5,473	17,674	197	18,363	1,411	12,021	127,252	24,284	292,485
NEFS 8	0	14,675	668	0	462,233	9,406	0	431	2,499	5,296	2,363	11,925	1,402	6,939	12,102	3,902	49,579
NEFS 10	0	1,025	2,001	0	11,269	21,207	0	29	2,215	1,987	2,390	5	4,359	411	4,708	2,492	35,173
NEFS 11	0	581	10,100	0	2,373	51,083	0	1	1,306	3,826	2,175	1	1,021	14	27,622	18,006	415,951
NEFS 12	0	1,225	2,325	0	5,978	16,765	0	0	4,056	773	1,038	0	3,609	148	3,187	1,070	35,726
NEFS 13	0	23,761	477	0	1,282,608	17,405	0	1,152	4,579	15,601	17,004	9,830	1,461	11,365	60,217	8,185	120,787
SHS1	0	4,100	2,554	0	152,531	63,861	0	5	1,624	8,866	3,934	1,589	2,160	375	59,652	16,549	128,540
SHS2	0	1,622	3,729	0	51,527	53,731	0	120	551	4,585	1,501	89	694	461	52,484	15,124	303,145
SHS3	0	31,057	6,170	0	1,872,509	492,054	0	402	4,360	47,207	23,212	7,427	2,221	11,822	510,825	116,514	1,013,282
Total	0	182,976	61,334	0	6,316,237	1,514,567	0	4,404	46,287	169,748	76,557	52,903	41,878	59,514	1,272,059	317,458	4,338,691

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 5 -- *De Minimis* Carryover ACE from Fishing Year 2018 to Fishing Year 2019 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	5,686	60	0	28,937	389	0	5	190	217	236	12	992	154	1,580	688	31,599
MCCS	0	805	913	0	36,863	16,282	0	11	299	3,977	1,808	173	272	210	20,911	7,978	104,074
MOON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	0	2,268	2,172	0	125,856	42,778	0	13	2,235	3,671	2,799	549	1,976	488	37,701	5,721	123,357
NEFS 4	0	1,434	1	0	62,745	16,145	0	16	537	3,043	0	118	548	99	5	0	54,135
NEFS 5	0	166	0	0	9,579	7	0	142	18	140	106	74	1	1,375	35	57	351
NEFS 6	0	1,053	245	0	39,366	7,734	0	33	318	1,422	1,072	260	355	199	16,460	2,721	30,129
NEFS 7	0	4,111	239	0	123,893	13,564	0	56	860	3,030	197	5,114	224	1,675	21,896	3,833	51,896
NEFS 8	0	2,686	88	0	86,610	1,239	0	62	502	958	670	3,700	362	1,181	2,091	629	9,649
NEFS 10	0	182	196	0	2,076	2,349	0	4	375	350	385	2	712	69	810	395	6,294
NEFS 11	0	138	980	0	409	5,258	0	0	221	550	311	1	167	2	4,701	2,714	73,429
NEFS 12	0	217	228	0	1,101	1,857	0	0	687	163	107	0	589	25	548	170	6,393
NEFS 13	0	4,031	60	0	239,355	1,728	0	163	535	2,738	1,634	2,953	150	1,739	10,427	1,290	21,659
SHS1	0	782	248	0	23,129	6,646	0	1	294	1,416	626	966	347	92	6,981	2,552	26,380
SHS2	0	341	383	0	11,418	5,763	0	22	236	1,383	645	89	238	226	8,248	3,813	48,424
SHS3	0	5,210	577	0	316,084	51,708	0	37	757	8,001	4,101	2,326	259	2,083	83,630	17,747	171,622
Total	0	29,110	6,390	0	1,107,421	173,447	0	565	8,064	31,059	14,697	16,337	7,192	9,617	216,024	50,308	759,391

Table 6 -- Total ACE Available to Sectors in Fishing Year 2019 including Final Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	31	252	4	370	1,132	42	1	0	10	11	12	1	48	8	93	43	1,627
MCCS	4	33	45	471	1,236	787	2	1	14	189	86	8	13	10	988	380	4,947
MOON	23	169	12	613	1,564	252	0	0	10	10	14	0	9	8	296	159	2,031
MPB	0	2	4	7	17	93	0	0	1	17	6	0	2	0	90	45	634
NEFS 2	12	96	106	1,607	4,411	2,084	2	1	107	175	131	26	94	23	1,803	273	5,859
NEFS 4	8	59	39	801	2,199	790	2	1	25	145	74	6	26	5	728	225	2,584
NEFS 5	1	7	0	122	336	0	1	7	1	7	5	3	0	66	2	3	17
NEFS 6	6	45	12	503	1,368	380	2	2	15	68	50	12	17	10	781	130	1,436
NEFS 7	22	176	12	1,582	4,363	671	20	3	41	145	78	240	11	81	1,051	185	2,487
NEFS 8	15	114	4	1,106	3,032	60	12	3	24	46	31	173	17	57	100	30	460
NEFS 10	1	8	10	27	73	116	0	0	18	17	19	0	34	3	39	19	301
NEFS 11	1	6	49	5	14	262	0	0	11	27	15	0	8	0	226	131	3,519
NEFS 12	1	9	11	14	39	92	0	0	33	8	5	0	28	1	26	8	306
NEFS 13	22	172	3	3,057	8,382	86	29	8	26	131	82	138	7	84	500	62	1,037
NHPB	0	0	4	0	0	3	0	0	0	0	0	0	0	0	2	2	42
SHS1	4	33	12	295	823	330	1	0	14	68	30	45	17	4	344	123	1,255
SHS2	2	14	19	146	395	286	2	1	11	65	30	5	11	10	398	180	2,334
SHS3	28	222	29	4,037	11,150	2,569	8	2	36	384	197	109	13	100	4,025	858	8,244
Total	183	1,415	377	14,762	40,534	8,903	82	28	398	1,513	865	766	356	471	11,492	2,858	39,120

Table 7 -- Total ACE Available to Sectors in Fishing Year 2019 with including Final Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	69	556	9	815	2,497	93	2	1	21	24	26	1	106	17	205	95	3,587
MCCS	10	73	99	1,038	2,726	1,734	3	1	31	417	189	18	29	22	2,178	838	10,906
MOON	51	372	27	1,351	3,447	556	0	0	21	21	31	0	19	17	652	351	4,478
MPB	1	4	9	15	37	206	0	0	3	38	14	0	3	0	199	100	1,398
NEFS 2	27	211	235	3,544	9,724	4,594	4	1	235	387	288	57	208	52	3,975	601	12,918
NEFS 4	17	129	87	1,767	4,849	1,741	4	2	56	319	164	12	57	10	1,605	497	5,696
NEFS 5	2	16	0	270	740	1	2	15	2	15	11	8	0	146	4	6	37
NEFS 6	13	98	27	1,108	3,015	837	5	4	34	149	111	27	38	21	1,721	287	3,165
NEFS 7	50	387	26	3,488	9,620	1,479	45	6	91	321	173	530	24	180	2,317	408	5,482
NEFS 8	32	251	9	2,439	6,685	133	27	7	53	101	69	382	38	125	221	67	1,015
NEFS 10	2	17	22	58	160	256	0	0	40	37	41	0	76	7	86	42	665
NEFS 11	2	13	108	12	32	577	0	0	23	59	33	0	18	0	498	289	7,759
NEFS 12	3	20	25	31	85	202	0	0	73	17	12	0	63	3	58	18	675
NEFS 13	49	378	7	6,739	18,479	190	65	17	58	289	180	305	16	185	1,103	137	2,287
NHPB	0	0	9	0	0	6	0	0	0	1	0	0	0	0	5	5	92
SHS1	9	73	27	651	1,814	728	2	0	31	150	67	98	37	10	758	272	2,766
SHS2	4	32	42	321	872	630	5	2	24	143	66	11	24	23	877	396	5,146
SHS3	63	489	64	8,899	24,581	5,663	18	4	80	847	433	240	28	220	8,874	1,891	18,175
Total	402	3,119	832	32,545	89,363	19,627	181	61	877	3,336	1,908	1,689	784	1,039	25,335	6,301	86,245

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

This rule has been determined to be not significant for the purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the minor corrections and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3), so that this final rule may become effective in a timely manner and maximize the economic benefits of the adjusted allocations to the fishery.

Notice and comment and a 30-day delay in effectiveness would be impracticable, unnecessary, and contrary to the public interest. The adjustments in this rule are necessary to correct minor errors made in the Framework Adjustment 58 final rule. Correcting these errors is not subject to our discretion, so there would be no benefit to allowing time for notice and comment. Immediate implementation corrects information published in Framework Adjustment 58 and provides industry with the most accurate information. Delaying these adjustments could cause confusion to industry. The distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry and causes no economic harm. Some of these adjustments increase available catch. They are routine, formulaic, and authorized

by regulation. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits of the rule.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 13, 2020.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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